

**ONE HUNDRED SIXTH LEGISLATURE - FIRST SESSION - 2019**  
**COMMITTEE STATEMENT**  
**LB304**

---

**Hearing Date:** Tuesday March 05, 2019  
**Committee On:** Agriculture  
**Introducer:** Crawford  
**One Liner:** Exempt certain operations from the definition of a food establishment under the Nebraska Pure Food Act

---

**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

---

**Vote Results:**

<b>Aye:</b>	6	Senators Blood, Brandt, Halloran, Hansen, B., Moser, Slama
<b>Nay:</b>		
<b>Absent:</b>	1	Senator Chambers
<b>Present Not Voting:</b>	1	Senator Lathrop

---

**Oral Testimony:**

**Proponents:**

Senator Sue Crawford  
Erica Smith  
Robert Bernt  
Nicole Fox  
Ron Todd-Meyer  
Matt Gregory  
Cindy Harper  
Jordan Rasmussen  
Michelle Ware

**Representing:**

Introducer  
Institute for Justice  
Clear Creek Organic Farm  
Platte Institute  
Nebraska Food Council  
Nebraska Farmers Union  
Self  
Center for Rural Affairs  
Self

**Opponents:**

Adi Pour  
Kathy Siefken

**Representing:**

Friends of Public Health in Nebraska  
Nebraska Grocery Industry Association, Nebraska Restaurant Association, Nebraska Retail Federation

**Neutral:**

**Representing:**

---

**Summary of purpose and/or changes:**

LB 304 amends Neb. Rev. Stat. Section 81-2,245.01 of the Nebraska Pure Food Act by expanding commercial venues a small food business operating out of a private home could engage in without being defined as a "food establishment" for purposes of the act. This section currently excludes private homes where non-hazardous food is prepared for sale directly to the consumer at a farmers market, provided the consumer is informed at the sale location that the food was prepared in an unlicensed kitchen.

LB 304 would expand this exclusion to businesses preparing non-hazardous foods in private homes sold at additional public events, and when picked up or delivered from a private home, provided:

- for farmers market or similar event sales, notification that the food is not prepared in a regulated facility is given at

the sales location. For sales for pick up or delivery, such notification is provided at the home and on the producer's website or in any advertising, and the consumer is notified of potential allergens;

- the product label includes the name and address of the producer;
  - product delivery is through a direct to the consumer transaction or by mail or commercial delivery service; and
  - the producer follows any applicable food safety handling guidelines required by the county for food vendors at public event venues.
- 

**Explanation of amendments:**

The committee amendment (AM990) clarifies that the producer follow any applicable public event food vendor safety handling guidelines of any county, city or village. The amendment also adds three additional requirements to qualify for the cottage food exemption:

- the producer (for sales other than at a farmers market) has completed an accredited food safety education course or has acquired such training as part of culinary education or as required for a food handler permit;
- if using a private water well, the producer has had the water tested for nitrates and bacteria; and
- the producer is registered pursuant to section 3.

New section 3 would require persons selling under the expanded cottage food exemption to register with the Department of Agriculture. Information to be provided for a registration is prescribed to include the name and contact information, information regarding food safety and training, and water well testing proof if applicable.

---

Steve Halloran, Chairperson